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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT EARL BAILEY, II,

Defendant.

CASE NO.: 2:21-cr-00243-APG-NJK

STIPULATION AND ORDER TO CONTINUE SENTENCING (FIRST REQUEST)

IT IS HEREBY STIPULATED by and between Defendant, Robert Bailey II, by and through his counsel, Michael V. Cristalli, Esq., of the law firm of Clark Hill PLLC and the Plaintiff, United States of America, by and through Christopher Burton, Assistant United States Attorney, that the sentencing hearing currently scheduled for March 23, 2022, at 9:30 a.m. be vacated and set to a date and time convenient to the Court but not earlier than ninety (90) days.

This Stipulation is entered into for the following reasons:

1. Counsel for Mr. Bailey had a prior engagement that will place counsel out of the jurisdiction at the time of sentencing.

2. Mr. Bailey's son will be turning one-year old shortly after sentencing. As this Court will consider imposing a prison sentence, the parties agreed to allow Mr. Bailey additional time to be present for his son's birthday.

3. Mr. Bailey has appeared in this case, and is not in custody and, along with the government, agrees to this continuance.

1 4. The additional time requested herein is not sought for purposes of delay and the denial of
2 this request for a continuance could result in a miscarriage of justice.

3 5. Federal Rule of Criminal Procedure 32(b)(2) permits this Court to continue a sentencing
4 hearing for good cause. Good cause exists in this case.

5 6. For all the above-stated reasons, the ends of justice would be best served by the continuance
6 of the sentencing hearing.

7 7. This is the first request for a continuance of the sentencing hearing.

8 UNITED STATES ATTORNEY
9 DISTRICT OF NEVADA

CLARK HILL PLLC

10 DATED this 9th day of March, 2022.

DATED this 9th day of March, 2022.

11 /s/ Christopher Burton
12 Christopher Burton
13 Assistant United States Attorney
Attorney for Plaintiff,
UNITED STATES OF AMERICA

/s/ Michael V. Cristalli
MICHAEL V. CRISTALLI
Attorney for Defendant,
Robert Bailey, II

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 vs.

6 ROBERT BAILEY, II,

7 Defendant.

CASE NO. 2:18-cr-00129-JCM-DJA

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9 **FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER**

10 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
11 Court hereby finds that:

12 **CONCLUSIONS OF LAW**

13 Based on the fact that counsel has agreed to a continuance, the Court hereby concludes
14 that:

15 1. Counsel for Mr. Bailey had a prior engagement that will place counsel out of the
16 jurisdiction at the time of sentencing.

17 2. Mr. Bailey's son will be turning one-year old shortly after sentencing. As this Court will
18 consider imposing a prison sentence, the parties agreed to allow Mr. Bailey additional time to be
19 present for his son's birthday.

20 3. Mr. Bailey has appeared in this case, and is not in custody and, along with the government,
21 agrees to this continuance.

22 4. The additional time requested herein is not sought for purposes of delay and the denial of
23 this request for a continuance could result in a miscarriage of justice.

24 5. Federal Rule of Criminal Procedure 32(b)(2) permits this Court to continue a sentencing
25 hearing for good cause. Good cause exists in this case.

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1 6. For all the above-stated reasons, the ends of justice would be best served by the continuance
2 of the sentencing hearing.

3 7. This is the first request for a continuance of the sentencing hearing.

4 **ORDER**

5 **IT IS HEREBY ORDERED** that the sentencing hearing in this matter scheduled for
6 March 23, 2022, at the hour of 9:30 a.m. is hereby vacated and continued to June 22, 2022,
7 at the hour of 9:30 a.m. in Courtroom 6C.

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9 **DATED** this 10th day of March, 2022.

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13 **UNITED STATES DISTRICT COURT JUDGE**
14 **CASE NO.: 2:21-cr-00243-APG-NJK-1**
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